

## Message Text

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ACTION AF-10

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01 SP-02

SS-15 USIA-15 AID-05 EB-07 TRSE-00 /092 W

-----270846Z 075580 /12

R 270830Z MAY 77

FM AMEMBASSY COTONOU

TO SECSTATE WASHDC 9732

INFO USMISSION USUN NY

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E.O. 11652: N/A

TAGS: PGOV, PINT, SHUM, DM

SUBJ: PROPOSED BENINESE CONSTITUTION

1. BENIN HAS JUST ANNOUNCED NEW DRAFT CONSTITUTION (LOI FONDA-  
MENTALE), TO BE PROMULGATED BY REVOLUTIONARY NATIONAL ASSEMBLY  
(RMA) AFTER WIDESPREAD DISCUSSION BY NEWLY FORMED MASS ORGANIZ-  
ATIONS. AS RNA CURRENTLY NON EXISTENT, AND TO BE ESTABLISHED  
BY NEW CONSTITUTION, MODALITIES OF HOW CONSTITUTION TO BE  
PROMULGATED UNCLEAR.

2. ACCORDING TO TEXT PRINTED IN MAY 23 EDITION OF "EHUZU",  
THE PEOPLES' REPUBLIC OF BENIN (PRB) IS DECLARED A SOVEREIGN,  
INDEPENDENT, SECULAR REVOLUTIONARY STATE, TO INCLUDE ALL  
REVOLUTIONARY AND SOCIAL CLASSES BASED ON THE ALLIANCE OF WORKERS  
AND FARMERS, AND COMPOSED OF NUMEROUS NATIONALITIES ALL HAVING  
EQUAL RIGHTS. THE PRB IS BASED ON SOCIALISM AND MARXIST-LENINIST  
PHILOSOPHY. ALL NATIONAL SOCIAL LIFE IS ORGANIZED UNDER THE  
CENTRALIZED DIRECTION OF THE CENTRAL COMMITTEE OF THE PEOPLES'  
REVOLUTIONARY PARTY (PRP). THE GOVERNMENT EXERCISES REVOL-  
UTIONARY DICTATORSHIP WHILE WORKING FOR INSTALLATION OF POPULAR  
DEMOCRATIC DICTATORSHIP.

3. GOVERNMENTAL CONTROL BY THE PARTY IS ACHIEVED BY THE  
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FACT THAT THE PRP NOMINATES THE PRESIDENT, THE NATIONAL EXEC-  
UTIVE COUNCIL (THE CABINET), THE PERMANENT COMMITTEE OF THE  
REVOLUTIONARY NATIONAL ASSEMBLY (RNA), MEMBERS OF NATIONAL  
DEFENSE COMMITTEE, PRESIDENT OF CENTRAL PEOPLES' COURT (CPC),  
AND THE PROSECUTOR GENERAL. IN ADDITION, AN UNSPECIFIED PER-  
CENTAGE OF RNA MEMBERS ARE APPOINTED BY THE PRESIDENT, AND THESE  
ARE ALSO NOMINATED BY PRP.

4. WE NOTE MUCH AMBIGUITY IN CONSTITUTION. IN INTERNATIONAL AFFAIRS, PRB TO ADHERE TO PRINCIPLES OF NON-ALIGNMENT, BUT NEXT SENTENCE INDICATES BENIN ALIGNED WITH PROGRESSIVE STATES. PEOPLE HAVE RIGHT TO OWN PROPERTY, BUT THIS IMMEDIATELY FOLLOWED BY STATEMENT THAT GOVERNMENT HAS RIGHT TO CONFISCATE PROPERTY, MAKING COMPENSATION "IF THE SITUATION REQUIRES IT." COURTS ARE DECLARED INDEPENDENT, THEN SAID TO BE RESPONSIBLE TO REVOLUTIONARY COUNCILS AND MUST ACCOUNT FOR THEIR ACTIVITIES. COURT PROCEEDINGS ARE PUBLIC, BUT AT ANY TIME MAY BE CLOSED TO PUBLIC.

5. THE RNA, SELECTED FOR THREE YEARS, HAS FUNCTION OF ADOPTING OR REVISING THE CONSTITUTION, WHICH CAN NOT BE CHANGED FROM BASIC REVOLUTIONARY PRINCIPLES,. OTHER RNA DUTIES ARE ENACTING LEGISLATION, CONTROLLING APPLICATION OF CONSTITUTION, ELECTING PRESIDENT, ELECTING OR DISCHARGING MEMBERS OF NEC AND ITS PERMANENT COMMITTEE, THE MEMBERS OF THE NRA PERMANENT COMMITTEE, THE NATIONAL DEFENSE COMMISSION, THE PRESIDENT OF THE CPC, AND THE PROSECUTOR GENERAL, ALL OF WHOM ARE NOMINATED BY THE PRP CENTRAL COMMITTEE. THE RNA ALSO ADOPTS THE STATE PLAN AND THE BUDGET, IMPOSES TAXES, APPROVES OR SUPPRESSES ESTABLISHMENT OF MINISTRIES AND OTHER ORGANS OF MINISTERIAL LEVEL, SETS PROVINCIAL BOUNDARIES, DECIDES QUESTIONS OF AMNESTY, DECIDES QUESTIONS OF PEACE OR WAR, AND ANYTHING ELSE JUDGED NECESSARY BY THE RNA. RNA HAS RIGHT TO QUESTION THE NEC, AND MEMBERS ARE IMMUNE FROM ARREST UNLESS RNA LIFTS IMMUNITY. THE PERMANENT COMMITTEE OF RNA HAS BROAD POWERS WITHIN FRAMEWORK OF RNA CHARTER.

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6. THE PRESIDENT IS CHIEF OF STATE AND PRESIDENT OF NEC, WITH THREE-YEAR MANDATE, AND REPRESENTS THE COUNTRY INTERNALLY AND IN FOREIGN AFFAIRS. HE IS CHARGED WITH PROMULGATING LAWS PASSED BY RNA AND DECREES PASSED BY ITS PERMANENT COMMITTEE. HE HAS AUTHORITY TO RATIFY OR RENOUNCE INTERNATIONAL TREATIES.

7. THE NEC IS THE SUPREME ADMINISTRATIVE AND EXECUTIVE ORGAN IN BENIN, RESPONSIBLE TO THE NRA AND ITS PERMANENT COMMITTEE. IT IS COMPOSED OF MINISTERS AND PRESIDENTS OF PROVINCIAL STATE ADMINISTRATION

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COMMITTEES, AND IS CONVOKED BY THE PRESIDENT. ITS FUNCTIONS INCLUDE COORDINATING AND DIRECTING ACTIVITIES OF MINISTRIES, PROPOSING LAWS AND OTHER PROJECTS TO NRA, COORDINATING AND DIRECTING ACTIVITIES OF EXECUTIVE AND ADMINISTRATIVE ORGANS, MODIFICATION OR ANNULMENT OF INCORRECT DECISIONS OF MINISTRIES AND ORGANS UNDER THE NEC, PREPARING AND EXECUTING THE STATE PLAN AND THE BUDGET, REGULATING INTERIOR AND EXTERIOR COMMERCE, REGULATING SOCIAL AND CULTURAL MATTERS, DEFENDING STATE INTERESTS, MAINTAINING PUBLIC ORDER, PROTECTING RIGHTS OF CITIZENS, CONCLUDING INTERNAL TREATIES, ETC.

8. GOVERNMENT ADMINISTRATION AT LOCAL LEVELS HANDLED BY THE PROVINCIAL REVOLUTIONARY COUNCILS, DISTRICT REVOLUTIONARY COUNCILS, COMMUNAL REVOLUTIONARY COUNCILS, AND LOCAL REVOLUTIONARY COUNCILS FOR VILLAGES AND CITY DISTRICTS. THESE COUNCILS ARE "ELECTED THROUGH DEMOCRATIC CONSULTATION" FOR TWO YEARS AND EACH HAS AN EXECUTIVE BODY. THEY ARE CHARGED WITH ASSURING THE APPLICATION OF LAWS WITHIN THEIR TERRITORIES OF JURISDICTION, THE MAINTENANCE OF PUBLIC ORDER, THE PROTECTION OF PUBLIC PROPERTY AND THE RIGHTS OF CITIZENS, THE DIRECTION OF LOCAL ADMINISTRATIVE ORGANIZATIONS INCLUDING ECONOMIC ACTIVITY AND LOCAL CULTURE, AND CONTROL OF THE LOCAL BUDGET. EACH LEVEL HAS AUTHORITY TO MODIFY OR ANNUL INCORRECT DECISIONS MADE AT A LOWER LEVEL.

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9. THE COURT SYSTEM INCLUDES THE PEOPLES' LOCAL COURTS, THE PEOPLE'S COMMUNE COURTS, THE PEOPLES' DISTRICT COURTS, THE PEOPLES' PROVINCIAL COURTS, AND THE PEOPLES' CENTRAL COURT, THE LAST IN EFFECT BEING THE SUPREME COURT. IN ADDITION, THE PRP AND THE RNA MAY ESTABLISH SPECIAL COURTS. LOCAL PEOPLES' COURTS ARE MADE UP OF NON-PROFESSIONAL JUDGES. ALL OTHER LEVELS

HAVE BOTH PROFESSIONAL AND NON-PROFESSIONAL JUDGES, BOTH CATEGORIES HAVING EQUALITY. LOCAL AND COMMUNE COURTS ARE COURTS OF CONCILIATION, WHILE OTHER COURTS ALSO TRY CRIMINAL CASES.

10. A LONG LIST OF FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS IS INCLUDED, WHICH ESTABLISHED THAT ALL CITIZENS ARE EQUAL. OTHER EXAMPLES: ALL CITIZENS ARE GUARANTEED THE RIGHT OF PRIVACY IN THEIR DOMICILES AND IN CORRESPONDENCE. THE STATE UNDERTAKES TO WORK TOWARDS FREE EDUCATION AND HEALTH CARE FOR CITIZENS. FOREIGNERS WHO DEFEND THE JUST CAUSE OF PEACE AND DEMOCRACY, PARTICIPATE IN A REVOLUTIONARY MOVEMENT OR BY REASON OF SCIENTIFIC, ARTISTIC, AND CULTURAL CONTRIBUTIONS, ARE GRANTED THE RIGHT OF RESIDENCE IN BENIN. THIS IS ONLY GUARANTEE OFFERED FOREIGNERS.

11. REVOLUTIONARY MILITARY COUNCIL RESERVES RIGHT TO IMPLEMENT ONLY THOSE PORTIONS OF NEW CONSTITUTION IT WISHES APPLY UNTIL SUCH TIME AS CONSTITUTION PROMULGATED.

12. ABOVE IS SUMMARY OF MORE SIGNIFICANT POINTS IN CONSTITUTION. COPY OF FRENCH-LANGUAGE TEXT WILL FOLLOW BY POUCH, AS SOON AS OFFICIAL VERSION OBTAINED FROM BENINESE GOVERNMENT.

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## Message Attributes

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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009